

Section 1050 - Maintenance of Vegetation

1050.01 Purpose. It is the purpose of this Section to prohibit the uncontrolled growth of vegetation, while permitting the planting and maintenance of landscaping or garden treatments which add diversity and a richness to the quality of life. There are reasonable expectations regarding the proper maintenance of vegetation on any lot or parcel of land. It is in the public's interests to provide standards regarding the maintenance of vegetation because vegetation which is not maintained may threaten public health, safety and order, and may decrease adjacent property values. It is also in the public's interests to encourage diverse landscaping and garden treatments, particularly those which restore native vegetation which requires less moisture and place a lower demand on the public's water resources. The City enacts this Section to balance these competing interests.

1050.02 Definitions. Unless the context clearly indicates otherwise, the following terms shall have the stated meanings.

Native Grasses and Forbs. Grasses, including prairie grasses and flowering broad- leaf plants which are indigenous to the State.

Natural Area. Any wetland or floodplain designated by Section 850 of this Code, or any area of mature woodland, prairie and meadow vegetation native to the State.

Ornamental Grasses and Groundcovers. Grasses and groundcovers not indigenous to the State. Ornamental grasses and groundcovers do not include turf grasses.

Planned Landscape Area. An area where ornamental grasses and groundcovers or native grasses and forbs are planted pursuant to a plan.

Restoration Area. An area where native grasses and forbs are being or have been intentionally re-established.

Turf Grasses. Grasses commonly used in lawn areas, including any blue grass, fescue or rye grass blends or any other similar grasses.

Weed. (i) Any plant which is identified by the State Commissioner of Agriculture as a noxious weed or secondary noxious weed pursuant to M.S. 18.171, Subd. 5, or (ii) any volunteer plant, except trees and other woody vegetation, which is not customarily or intentionally planted.

1050.03 Where Planted.

Subd. 1 **Ornamental Grasses and Groundcovers.** Ornamental grasses and groundcovers shall be planted only in a planned landscape area.

Subd. 2 **Native Grasses and Forbs.** Native grasses and forbs shall be planted only in a planned landscape area or a restoration area.

1050.04 Location of Restoration Areas and Planned Landscape Areas.

Subd. 1 **Setback.** A restoration area or a planned landscape area must provide the following minimum setbacks:

Front Street or Side Street (as measured
from the traveled portion of the street) 20 feet

Side Yard or Rear Yard 5 feet

Provided, however, that a required side yard or rear yard setback may be reduced to 0 feet if:

- A. A fully opaque fence at least five feet in height is installed on the lot line adjoining the restoration area or planned landscape area, or
- B. The restoration area or planned landscape area abuts (i) a restoration area on any adjoining lot, (ii) a public park or open space, (iii) a vacant lot, (iv) a wetland, pond, lake or stream, (v) or natural area, or
- C. The restoration area or planned landscape area is located on slopes equal to or greater than three feet horizontal to one foot vertical (3:1).

Subd. 2 **Composition of Setback Area.** The setback area required by Subd. 1 of this Subsection shall be composed of pavement, rock, gravel, wood chips, regularly mowed turf grasses, trees or shrubs.

1050.05 Maintenance Standards. Every owner of property shall maintain the vegetation growing thereon according to the following minimum standards:

Subd. 1 **Turf Grasses.** Turf grasses shall be regularly cut such that no individual plant shall exceed, at any time, ten inches in height or length as measured from its base at the ground to the tip of each stalk, stem or blade. Provided, however, that turf grasses (i) located on slopes equal to or steeper than three feet horizontal to one foot vertical (3:1) or (ii) within 20 feet of a wetland, pond, lake or stream, need not be maintained in accordance with this Subd. 1.

Subd. 2 **Weeds.** Weeds shall be regularly cut or controlled such that no individual plant shall exceed at any time ten inches in height or length as measured from its base at the ground to the tip of each stalk, stem, blade or leaf. Noxious weeds as defined by the State Commissioner of Agriculture shall be eradicated.

Subd. 3 **Planned Landscape Areas and Restoration Areas.** Planned landscape areas and restoration areas shall be cut at least once between May 1 and August 1 of each year to a height no greater than ten inches. Provided, however, that planned landscape areas and restoration areas (i) located on slopes equal to or steeper than three feet horizontal to one foot vertical (3:1) or (ii) within 20 feet of a wetland, lake, pond or stream, need not be cut as required by this Subdivision. No person shall permit ornamental grasses and groundcovers growing on the person's property to invade adjoining properties.

1050.06 Non-Conforming Planned Landscape Areas and Restoration Areas. Any planned landscape area or restoration area which lawfully existed prior to the effective date of this Section may continue to exist and need not comply with the requirements of Subsection 1050.04, but shall

comply with Subsection 1050.05. Any expansion or addition to a non-conforming planned landscaped area or restoration area shall comply with all provisions of this Section.

1050.07 Exemption. Parks and natural areas owned by the City and rights-of-way owned by the County and State shall be exempt from the requirements of this Section.

1050.08 Abatement.

Subd. 1 **Nuisance.** Any vegetation which does not meet the requirements of this Section is declared to be a nuisance.

Subd. 2 **Conditions Allowing Inspector to Enter Property.** Entry by the weed inspector or assistant weed inspector for the purpose of cutting, removing, destroying or eradicating vegetation shall be done only after written notice is served upon the owner, and the occupant if other than the owner, of the property to be entered, and failure of the owner or occupant to cut down, remove, destroy or eradicate vegetation declared to be a nuisance, within the time, and in such manner, as the weed inspector or assistant weed inspector shall designate in the notice. The notice shall be given in the manner prescribed by M.S. 18.271, Subd. 2, and shall allow a minimum of seven days for the property owner or occupant to comply with requirements of the notice.

Subd. 3 **Owner's Responsibility for Costs Incurred.** The costs and expenses incurred by the City in connection with entering a property pursuant to Subd. 4 of this Subsection and cutting, removing, destroying and eradicating vegetation declared to be a nuisance, shall be paid by the owner or occupant of the property entered pursuant to a notice containing the information and served as prescribed by M.S. 18.271, Subd. 4. If the City is not paid the amount stated in the notice within 30 days or before the following October 1, whichever is later, such amount shall become a lien in favor of the City and a penalty of eight percent shall be added to the amount due as of that date and the total cost, expenses and penalties shall be certified to the auditor of Hennepin County for entry as a tax upon such property for collection as other real estate taxes are collected, all pursuant to the provisions of M.S. 18.271, Subd. 4.

History: Ord 1031 codified 1970; amended by Ord 1031-A1 1-3-80, 1031-A2 6-29-83, 1031-A3 3-28-90; amended by Ord 1993-4 4-5-93

Reference: M.S. 18.171, 18.271

Cross Reference: Section 850